

Remarks

Claims 1-20 are pending in the application. Applicants have amended Claims 1 and 2, herein. Support for the amendment to claim 1 can be found, for example, on page 23, line 1 of the instant specification. Claim 2 was amended to remedy a typographical error. No new matter is added. The Examiner has maintained rejections of the claims for anticipation and obviousness.

Rejection under 35 USC 102(b)

Claims 1 and 2 are rejected as anticipated by Meryman *et al.*, WO91/04659 (“Meryman”). The rejection is traversed.

Claim 1, from which depends claim 2 has been amended to specify that the wash solution must contain chloride. Meryman does not teach a wash solution used with a starting blood volume of greater than 50 mL containing chloride. In fact, Meryman specifically rejects such a wash solution, for example, from page 6, line 31 to page 7, line 5 of Meryman. “This invention further provides a method for prolonging the shelf life of transfusible red blood cells, comprising washing and storing said cells in a functionally hypotonic, biologically compatible buffered solution that is substantially free of chloride and that contains at least one substantially non-penetrating solute.” (Emphasis added).

Applicants request reconsideration and withdrawal of the rejection for anticipation.

Rejection under 35 USC 103(a)

Claims 1-5 and 13-20 are rejected as unpatentable over Meryman and Edson *et al.*, WO00/18969 (“Edson”). The rejection is traversed.

Prior art must be considered in its entirety, including disclosures that teach away from the claims (MPEP § 2141.02). The disclosure of Meryman teaches away from the subject matter of

claim 1 as amended herein. Claim 1, from which depend claims 2-5 and 13-20, has been amended to specify that the wash solution must contain chloride. Meryman does not teach a wash solution with chloride, and in fact, teaches that such a wash solution is not functional for the long term storage of blood cells that is specified in claim 1 (*see Figures 1-4 of Meryman which teach that washing red blood cells with a saline solution causes a drop off in 2,3 DPG and ATP concentration as well as a decrease in the morphological index and an increase in hemolysis of the washed red blood cells, counter to the teachings of the instant specification*). Thus Meryman teaches away from the subject matter of claim 1 as amended.

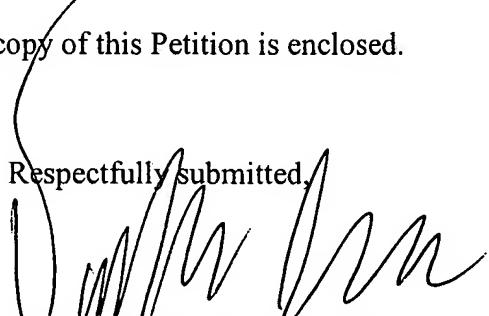
Edson does not remedy the deficiencies of Meryman, because it does not teach the long term storage of red blood cells at 4 °C after washing with a wash buffer containing chloride. Edson does teach the washing of blood cells with saline solution (*see page 25, lines 2-7 and page 31, lines 11-13 of Edson*). However, the cells were only stored for 18 hours (*see page 25, lines 25-26 and page 31, lines 11-16 of Edson*). Other blood cells washed with saline were frozen when stored, not kept at 4°C (*see page 29, lines 2-5 of Edson*).

The combination of Meryman and Edson teach away from the invention of claim 1, as amended herein, and its dependent claims. The disclosure of the instant application shows, unexpectedly in light of the teaching of Meryman, that washing red blood cells with saline is an operative way of storing red blood cells at 4 °C for at least 21 days (*see, e.g., page 25, lines 15-27 of the instant specification*). Because Meryman and Edson teach away from the invention of claims 1-5 and 13-20 and because this invention has unexpected properties in light of Meryman, Applicants submit that claims 1-5 and 13-20 are non-obvious in light of Meryman and Edson and request that this rejection be withdrawn.

In view of the foregoing comments, Applicants request reconsideration and withdrawal of the rejection for obviousness.

A petition for extension of time accompanies this response. Please charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, (Reference No. 18242-508 CIP2). A duplicate copy of this Petition is enclosed.

Respectfully submitted,


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